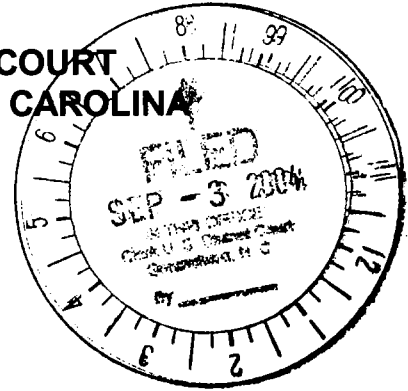


SEP 3 2004

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



ESTATE OF SHELIA WILLIAMS-MOORE,)
RN BSN, WILLIE F. MOORE, RN BSN,)

Plaintiff, pro se)

v.)

ALLIANCE ONE RECEIVABLES)
MANAGEMENT, INC., and CEO; BLUE)
CROSS BLUE SHIELD (PARTNERS))
of NORTH CAROLINA and CEO; DUKE)
UNIVERSITY HEALTH SYSTEM, INC.)
and CEO,)

Defendants.)

1:03CV899

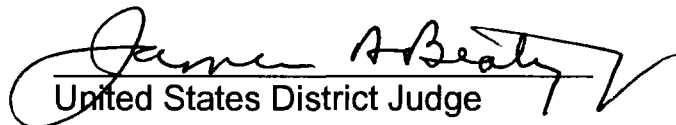
O-R-D-E-R

On June 8, 2004, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on Plaintiff and a copy was given to the court.

Within the time limitation set forth in the statute, Plaintiff and Defendants Blue Cross Blue Shield and Duke University Health System objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that (1) Plaintiff's motion to dismiss Defendant Alliance One (docket no. 32-1) without prejudice under Rule 41 upon payment of costs to Alliance One be **GRANTED**; (2) the motion of Alliance One to dismiss (docket no. 23-1) is **DENIED**; (3) the motion to dismiss (docket no. 30-1) by BCBSNC is **GRANTED IN PART** in that all claims against BCBSNC, except for the claim alleging race discrimination under 42 U.S.C. § 1981, are DISMISSED; and (4) the motion to dismiss (docket no. 27-1) by Duke Health is **GRANTED IN PART** in that all claims against Duke Health, except for the intentional infliction of emotional distress claim and the claim alleging race discrimination under 42 U.S.C. § 1981, are **DISMISSED**. To the extent Plaintiff has a claim under the FEHBA based on denial of benefits, that claim is **DISMISSED** without prejudice to Plaintiff to exhaust his administrative remedies as set forth by the OPM regulations.¹


United States District Judge

~~September~~
August 3, 2004

¹ The court has reviewed Pl's Motion to Quash (docket no. 61) and it is HEREBY DENIED. Fed. R. Civ. P. 6 (a) & 72 (b).